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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NORMAN RAE,

Defendant.

No.: CR 08-0489 JSW

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

On July 29, 2008, the parties in this case appeared before the Court for a status conference. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from July 29, 2008, through September 4, 2008, for effective preparation of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the

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defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

DATED: 8/4/08

JOSEPH P. RUSSONIELLO

OWEN P. MARTIKAN
Attorneys for the United States

DATED: 8/4/08

BARRY J. PORTMAN

STEVEN KALAR
Attorneys for Defendant

[PROPOSED] ORDER

As the Court found on July 29, 2008, and for the reasons stated above, an exclusion of time from July 29, 2008, through September 4, 2008, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

HON. MARIA-ELENA JAMES
United States Magistrate Judge